

Tentative Rulings

October 16, 2017

Department 11

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. **PLEASE NOTE:** Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

GDN OF TYSON FARELL

CASE NUMBER: 28993

Tentative Ruling on Petition for Termination of Guardianship: This matter is on calendar for a Petition for Termination of Guardianship filed by the minor’s mother, Desiree Ramos-Alcobendas. Letters of guardianship issued to Tawn Coleman and Theresa Aderhold on September 11, 2017. The instant Petition was filed the same day.

The Court notes that there is no proper proof of service of Notice of Hearing on file. Moreover, nothing in the Petition shows a change in circumstances since the granting of the Petition for Guardianship. The Guardianship remains in the best interest of the minor. The issue of visitation is not before the Court but there is nothing precluding the mother from filing a Petition for Visitation or otherwise working with the Guardian on a visitation schedule. The Petition is **DENIED**. The Court confirms the future date of September 17, 2018 for Annual Review.

GDN OF KASSIDY GUNTHER AND KEILEE SENNE

CASE NUMBER: 26557

Tentative Ruling on Petition for Termination of Guardianship: This matter is on calendar for further proceedings on a Petition for Termination of Guardianship as to the minor, Kassidy Gunther. There is still no proof of service of the Notice of Hearing on file. Petitioner will need to properly notice this matter for hearing, with proof of service on the parties identified in Item 9 of the Petition, before the Court can move forward on this Petition. The Court has reviewed and considered the Court Investigator’s report filed October 2, 2017, which recommends granting the Petition. This matter is continued to **Monday, November 13, 2017, at 1:30 p.m. in Department 11.** Ms. Claverie is ordered to file a new Notice of Hearing with the continued hearing date on the parties identified in Item 9 of the Petition. In the alternative, if Ms. Claverie cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Ms. Claverie to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today’s calendar.**

GDN OF DAYLAN MALLOY
CASE NUMBER: 26857

Tentative Ruling on Petition for Termination of Guardianship: This matter is on calendar for a Petition for Termination of Guardianship filed by the minor's mother, Rebecca Baron. Letters of guardianship issued to Thomas Baron and Teresa Baron on July 28, 2011. The instant Petition was filed on September 5, 2017.

There is no proof of service of the Notice of Hearing on file. Petitioner will need to properly notice this matter for hearing, with proof of service on the parties identified in Item 9 of the Petition, before the Court can move forward on this Petition. The Court has reviewed and considered the Court Investigator's report filed September 21, 2017, which recommends granting the Petition. This matter is continued to **Monday, November 13, 2017, at 1:30 p.m. in Department 11**. Ms. Baron is ordered to file a new Notice of Hearing with the continued hearing date on the parties identified in Item 9 of the Petition. In the alternative, if Ms. Baron cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Ms. Baron to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF OLIVIA PANZA
CASE NUMBER: 29227

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person of minor, Olivia Panza. Letters of Temporary Guardianship issued on July 11, 2017. The Court orders that the Temporary Guardianship's powers remain in effect until trial.

An objection was filed on September 18, 2017 by the minor's mother, Meredith Panza. The objection sets forth, among other things, that jurisdiction and venue is improper, as both parents reside in Georgia. The mother claims that the child was taken here to Shasta County in an effort to place the mother at a disadvantage in these proceedings. Petitioner filed her own declaration on September 27, 2017 refuting the mother's allegations and alleging that venue is proper here in Shasta County.

An appearance is required by Counsel from the public defender's office to confirm whether they can represent the minor. An appearance is further required by all parties, to discuss the status of objections to the petition, and the potential setting of a date for contested hearing.

GDN OF HUNTER PEARCE
CASE NUMBER: 29311

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Hunter Pearce. Letters of Temporary Guardianship issued on September 6, 2017. The Temporary Guardianship's powers are set to expire today unless further extended. The Petition was filed by the minor's maternal grandparents, Casey and Patricia Pearce. There is no proper proof of service on the minor's paternal grandfather or half-sister.

The Court has reviewed and considered the Court Investigator report filed October 12, 2017 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable.

This matter is continued to **Monday, November 13, 2017, at 1:30 p.m. in Department 11** for further proceedings. Temporary orders shall remain in effect until the continued hearing date. Petitioners are ordered to file a new Notice of Hearing with the continued hearing date on the parties identified above in compliance with Probate Code § 1511. In the alternative, if Petitioners cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioners to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF MICHAEL RANKINS III CASE NUMBER: 27663

Tentative Ruling on Petition for Termination of Guardianship: This matter is on calendar for a Petition for Visitation filed by the minor's father, Michael Rankins. Letters of guardianship issued to Pamela Kunkler on December 16, 2013. The instant Petition was filed on September 18, 2017. The matter has been properly noticed on the Guardian with proof of service on file. An objection to the proposed visitation schedule was filed by the Guardian on October 6, 2017. **An appearance is required of the Petitioner and Guardian to discuss the proposed visitation schedule.**

GDN OF DIEGO SANCHEZ CASE NUMBER: 28037

Tentative Ruling on Annual Status Review: This matter is on calendar for Annual Review. The Court has reviewed the Confidential Guardianship Status Report, submitted October 5, 2017. **An appearance is required on today's calendar by the Guardian to address the Status Report.**

GDN OF HANNAH STRAWN CASE NUMBER: 29261

Ex Parte Application for Order Shortening Time on Motion to Be Relieved as Counsel: No tentative ruling will be issued on this Ex Parte Application. **An appearance is required.**

GDN OF ELIAS WENDLANDT CASE NUMBER: 29312

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Elias Wendlandt. Letters of Temporary Guardianship issued on September 6, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

The Petition was filed by the minor's paternal grandmother, Tasha DaSilva. The minor's mother, Alex Marroquin, has consented to the appointment and waived notice of these proceedings. There is still no proper proof of service on the minor's paternal grandfather, maternal grandmother, and maternal grandfather, as the submitted proofs of service were not properly filled out. As for the minor's father, Cody Wendlandt, the Court has reviewed the Declaration submitted by petitioner, and agrees with the request to dispense with notice to that party. The Court therefore dispenses with notice to Cody Wendlandt, as he cannot with reasonable diligence be given notice, and service on him is otherwise contrary to the interests of justice. Prob. Code § 1511(g).

The Court has reviewed and considered the Court Investigator report filed October 6, 2017 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable.

This matter is continued to **Monday, November 13, 2017, at 1:30 p.m. in Department 11** for further proceedings. Temporary orders shall remain in effect until the continued hearing date. Petitioners are ordered to file a new Notice of Hearing with the continued hearing date on the parties identified above in compliance with Probate Code § 1511. In the alternative, if Petitioners cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioners to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

**GDN OF DAVID YATES JR.
CASE NUMBER: 26935**

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The Guardian submitted her annual Status Report on October 6, 2017. The Status Report is accepted by the Court. In light of the Status Report, the Court declines from issuing sanctions. The Court notes that the minor will be 18 years of age in November of next year. At that time, the Guardianship will end as a matter of law. This matter is set for **Monday, October 15, 2018, at 1:30 p.m. in Department 11** for Annual Review. **No appearance is necessary on today's calendar.**